

# HOUSE BILL 599

E4

0lr1577

---

By: **Delegates Olszewski, Kach, Aumann, Barkley, Boteler, Bromwell, DeBoy, Frank, Frick, Glenn, Hecht, Heller, Howard, James, Lafferty, Mathias, Minnick, Morhaim, Riley, Shewell, Stocksdales, F. Turner, Valderrama, and Weir**

Introduced and read first time: February 3, 2010

Assigned to: Judiciary

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2010

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Correctional Services – Repeat Child Sexual Offenders – Diminution Credits**

3 FOR the purpose of prohibiting the earning of diminution credits to reduce the term of  
4 confinement of a certain inmate who is serving a sentence ~~for~~ in a State or local  
5 correctional facility for committing a certain sexual offense against a ~~minor~~  
6 victim who is a child under a certain age after being previously convicted of a  
7 certain sexual offense against a ~~minor~~ victim who is a child under a certain age;  
8 providing for the construction of a certain provision of this Act; providing for the  
9 application of this Act; and generally relating to diminution credits.

10 BY repealing and reenacting, with amendments,  
11 Article – Correctional Services  
12 Section 3-702 and 11-502  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2009 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Correctional Services**

18 3-702.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) Subject to **SUBSECTION (B) OF THIS SECTION**, § 3-711 of this subtitle,  
 2 and Title 7, Subtitle 5 of this article, an inmate committed to the custody of the  
 3 Commissioner is entitled to a diminution of the inmate's term of confinement as  
 4 provided under this subtitle.

5 (B) ~~AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF~~  
 6 ~~TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE IN WHICH THE VICTIM~~  
 7 ~~WAS A MINOR § 3-307 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM~~  
 8 ~~WHO IS A CHILD UNDER THE AGE OF 16 YEARS IS NOT ENTITLED TO A~~  
 9 ~~DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT AS PROVIDED UNDER~~  
 10 ~~THIS SUBTITLE, IF THE INMATE WAS PREVIOUSLY CONVICTED OF A VIOLATION~~  
 11 ~~OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE IN WHICH THE VICTIM~~  
 12 ~~WAS A MINOR. § 3-307 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM~~  
 13 ~~WHO IS A CHILD UNDER THE AGE OF 16 YEARS.~~

14 11-502.

15 (A) [An] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN  
 16 inmate who has been sentenced to a term of imprisonment shall be allowed deductions  
 17 from the inmate's term of confinement as provided under this subtitle for any period of  
 18 presentence or postsentence confinement in a local correctional facility.

19 (B) (1) AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION  
 20 OF § 3-307 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM WHO IS A  
 21 CHILD UNDER THE AGE OF 16 YEARS, WHO HAS PREVIOUSLY BEEN CONVICTED  
 22 OF VIOLATING § 3-307 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM  
 23 WHO IS A CHILD UNDER THE AGE OF 16 YEARS, MAY NOT BE ALLOWED  
 24 DEDUCTIONS FROM THE INMATE'S TERM OF CONFINEMENT AS PROVIDED  
 25 UNDER THIS SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR POSTSENTENCE  
 26 CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY.

27 (2) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE AN  
 28 INMATE TO SERVE A LONGER SENTENCE OF CONFINEMENT THAN IS  
 29 AUTHORIZED BY THE STATUTE UNDER WHICH THE INMATE WAS CONVICTED.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
 31 construed to apply only prospectively and may not be applied or interpreted to have  
 32 any effect on or application to any offense committed before the effective date of this  
 33 Act.

34 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
 35 effect October 1, 2010.